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APPENDIX A

PARTICIPATING COMMUNITIES AND ORGANIZATIONS

Alexandria, VA
Alliance for Community Media
American Public Works Association
Austin, TX
Buffalo Grove, IL
Chandler, AZ
Charlotte & Mecklenberg Co. NC
Chicago, IL
Concord, CA
Denver, CO
Dubuque, IA
Evanston, IL
Fairfax County, VA
Forest Park, Greenhills, Springfield Township OH
Fort Wayne, IN
Greater Metropolitan Telecommunications Consortium, CO
Illinois Association of Telecommunications Officers and Advisors
Indianapolis, IN
Irvine, CA
Kansas City, MO
Lake County, IL
Los Angeles, CA
Metropolitan Area Communications Commission representing Washington County, and the Oregon cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, Milwaukie, North Plains, Rivergrove, Tigard, and Tualatin, OR
Minnesota Association of Community Telecommunications Administrators
Miami Valley Cable Authority, OH
Montgomery County, MD
Mt. Hood Cable Commission
Nashville, TN
Newport News VA
Northbrook, IL
Olympia, WA
Piedmont Triad Council of Governments representing Alamance County, Caswell County, Davidson County, Guilford County, Montgomery County, Randolph County, Rockingham County and the municipalities of Archdale, Asheboro, Burlington, Eden, Elon, Gibsonville, Haw River, High Point, Jamestown, Lexington, Liberty, Madison, Mayodan, Mebane, Oak Ridge, Ramseur, Randleman, Reidsville, and Yanceyville, NC
Plano, TX
Rockville, MD
San Antonio, TX

States of California and Nevada Association of Telecommunications Officers and
Advisors
Springfield, MO
St. Louis Park, MN
St. Paul, MN
St. Tammany Parish
Tacoma, WA
Takoma Park, MD
Texas Association of Telecommunications Officers and Advisors
Texas Coalition of Cities For Utility Issues
Tucson, AZ
Vancouver, WA
Village of Hoffman Estates
Village of Oak Park, IL
Village of Skokie, IL
Virginia Beach, VA
Washington Association of Telecommunications Officers and Advisors
West Allis, WI

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
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)	
Inquiry Concerning High Speed Access to the Internet Over Cable and Other Facilities)	GN Docket No. 00-185
)	
)	
Internet Over Cable Declaratory Ruling)	
)	
Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities)	CS Docket No. 02-52
)	
)	

**DECLARATION OF DORIS J. BORIS IN SUPPORT OF
THE COMMENTS OF THE ALLIANCE OF LOCAL ORGANIZATIONS
AGAINST PREEMPTION ("ALOAP")**

I, Doris J. Boris, declare as follows:

1. I submit this Declaration in support of the Comments of the Alliance of Local Organizations Against Preemption ("ALOAP") submitted in the above captioned proceeding. I am fully competent to testify to the facts set forth herein, and if called as witness, would testify to them.

2. I am the Cable Communications Administrator for the Charlotte-Mecklenburg Office of Cable TV.

3. The Charlotte-Mecklenburg Office of Cable TV handles all issues relating to the administration and monitoring of five (5) cable television franchise agreements for

the City of Charlotte and Mecklenburg County, North Carolina. The franchise agreements represent contracts with three (3) cable operators servicing over 170,000 subscribers and generating over \$5.5 million annually in franchise fees revenues.

4. As Cable Communications Administrator, I manage the operations of the Office of Cable TV and its four (4) staff members. I am responsible for developing policies, procedures, budgets and objectives for the Cable Office, including verifying franchise fee revenues; drafting/negotiating cable television ordinances, franchises and other related contracts; and developing/implementing plans for utilization of cable institutional networks. Additionally, I am a member of management teams which oversee the strategic planning, implementation and utilization of city/county communications networks and the development of rights-of-way management policies/procedures.

5. Recently our Office has been receiving calls from Adelphia customers who have been told by the company's customer service representatives that the company cannot meet their request for cable modem service due to the company's financial difficulties.

6. The calls the Office of Cable TV received from Adelphia customers were immediately transmitted to Adelphia's local office in Mooresville, NC, for response through our normal Cable TV HOTLINE database forwarding process. Additionally, Office staff contacted Adelphia's local management, who confirmed that the company's

financial difficulties were affecting their ability to expand their nodes and the necessary additional bandwidth for new cable modem installations.

7. On June 6th, I received a call from an Adelphia cable subscriber. The subscriber informed me that she had been advised by Adelphia, when they connected her cable video service, that they could not connect her "cable modem" service because they were out of space on the node that services her new home/home office. She indicated that Adelphia could not give her a time when the "cable modem" service will be available because - due to their recent financial difficulties - they cannot purchase the necessary equipment to upgrade their nodes.

8. This subscriber also stated that she had called the Federal Communications Commission to find out what could be done to get Adelphia to hook up her "cable modem" - because high speed internet service is vital to her home business operations - and was told to call her local city/county cable office.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on June 13, 2002, in Mecklenburg County, NC.

A handwritten signature in black ink, appearing to read 'Doris J. Boris', is written over a horizontal line.

Doris J. Boris

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Federal Communications Commission
Consumer & Governmental Affairs Bureau
Office of The Bureau Chief

CGB

14 May 2002

VIA FAX

Kenneth S. Fellman, Esq.
Chairman, Local and State Government
Advisory Committee
Kissinger & Fellman, P.C.
3773 Cherry Creek N. Drive, Suite 900
Denver, Colorado 80209

Dear Ken:

Thank you for your letter of May 2, 2002, on the proposed FCC consumer complaint Web site, and data collection and reporting. As you know, I will be unable to attend the upcoming Local and State Government Advisory Committee (LSGAC) meeting because of a previously accepted speaking engagement. I have asked Thomas Wyatt, CGB's Deputy Bureau Chief for Consumer Inquiries and Complaints, to attend the meeting to discuss LSGAC's concerns. Your letter outlined two main areas of concern: complaint classification and collaboration among governments and industry. I will outline our response here briefly, and Thomas will provide more detail at the May 17th LSGAC meeting.

First, as to complaint classification, your point is well taken. Complaints should be classified in a way that is understandable to all parties – consumers, regulators, and industry. While we cannot mandate classifications for all levels of government, we can gather ideas from all interested parties and try to make the FCC's classification system a model worth duplicating by other levels of government who wish to conform. We are currently considering the best approach to revising our complaint codes, and will keep you apprised as we formulate the specific steps we plan to take.

Broadly, my vision is to seek input from industry, state and local governments and consumer groups on how best to classify complaints. Once the situation has been evaluated fully, I plan to set a deadline for this input so that we can make changes in one sweep, as opposed to piecemeal changes which can be costly and confusing. While this process cannot happen

overnight, I believe it will be a giant step in the right direction, and I look forward to LSGAC's specific ideas as we move forward.

While our FCC complaint reports can only include data gathered by the FCC, we would be very interested in learning more about complaint patterns at the local level. Perhaps a national organization like NATOA could poll its members to help identify reporting best practices, encourage standardization of reporting practices across local jurisdictions, and aggregate data of some or all local jurisdictions.

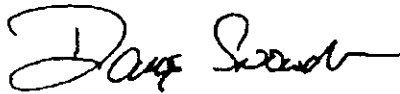
Your letter also addresses collaboration among governments. I have asked that my staff immediately remedy the oversight you noted on our Web site. Specifically, we will acknowledge the role of local governments in receiving complaints, changing the quote you cite to: "While these data indicate the volume of complaints received at the Commission's Consumer Centers, they do not include complaints received by other FCC offices or complaints made to state and local agencies and the companies themselves." (Emphasis added.)

In the closing paragraph of your letter, you state that the LSGAC has a "perception that the FCC appears to be promoting its own role in addressing consumer complaints while specifically limiting any local government role." Let me assure you that this is not the case. The FCC recognizes the critical role local and state governments fill in talking directly with consumers where they live. I know that local and state government representatives are on the front lines, and that they have a strong commitment to serving consumers. Consumers are our first priority as well. Change is difficult. As the marketplace changes and the rules of the road are clarified, I am confident that we will find our partnership intact and – I hope – stronger than ever.

Finally, although you did not raise it in your letter, I'll take this opportunity to comment on another complaint-related matter that is certain to arise at the LSGAC meeting. I am aware that some state and local agencies have adopted the view that they do not have the authority to respond to consumer complaints about cable modem service as a result of the FCC's March 15, 2002 decision declaring cable modem service to be an interstate information service. As you know, the Commission has an ongoing proceeding regarding the regulatory treatment of cable modem service and nothing I say here should be construed as prejudging the Commission's disposition of issues raised in that proceeding. At the April 2002 LSGAC meeting I mentioned forwarding complaints about cable modem service to the Consumer & Governmental Affairs Bureau as one option to examine. After further consideration of the matter, however, my view is that we should continue our practice, which predates the Commission's March 15 decision, of forwarding consumer complaints about cable modem service to local franchising authorities for appropriate handling as we do most other consumer complaints about cable matters.

Significantly, the FCC has not resolved the question of whether its classification of cable modem service precludes state and local authorities from regulating cable modem service and facilities in particular ways; nor has the FCC adopted rules or requirements for cable modem services and facilities that would provide a basis for adjudicating claims by individual consumers at the FCC. Given the absence of specific enforceable FCC requirements pertaining to cable modem service, the Consumer & Governmental Affairs Bureau does not view the FCC's March 15 declaratory ruling as precluding state and local authorities from administering complaint mechanisms that may serve to inform or assist consumers in their dealings with cable service operators about cable modem service matters. As I indicated earlier, Thomas Wyatt will be available to discuss our views on this in more detail at Friday's LSGAC meeting.

Best regards,

A handwritten signature in cursive script, appearing to read "Dane Snowden".

K. Dane Snowden
Chief
Consumer & Governmental Affairs Bureau

cc: Thomas Wyatt
Kris Monteith

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Inquiry Concerning High Speed Access to the Internet Over Cable and Other Facilities)	GN Docket No. 00-185
Internet Over Cable Declaratory Ruling)	
Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities)	CS Docket No. 02-52

**DECLARATION OF TODD BERMAN IN SUPPORT OF
THE COMMENTS OF THE ALLIANCE OF LOCAL ORGANIZATIONS
AGAINST PREEMPTION ("ALOAP")**

I, Todd Berman, declare as follows:

1. I submit this Declaration in support of the Comments of the Alliance of Local Organizations Against Preemption ("ALOAP") submitted in the above captioned proceeding. I am fully competent to testify to the facts set forth herein, and if called as witness, would testify to them.

2. I'm a resident of North Bethesda, Maryland, a Comcast Cable TV subscriber. I have also been a Comcast High Speed Internet ("CHSI") access subscriber since September 2001.

3. My CHSI service does not live up to the promises made in Comcast's CHSI marketing materials. Comcast originally got me to connect with them based on the written and television advertising promise of connection speeds of up to 50 times faster than a 56K modem. However, what I seem to get is access speeds that vary from a small trickle to something that sometimes approaches 1Mbps. I have contacted Comcast via phone and email about this and their reaction has ranged from some interest to ennui. I have my speed monitored by an outside firm associated with dslreports.com. A recent report is below;

tberm - Line status / Test History

Time (US east)
Test
Results..

2002-05-27 21:47:59

Speed test (la)

597/116 kbps

2002-05-25 14:42:01

Speed test (wc)

31/32 kbps

My previous history is no longer on file, but some days I was limping along with just about regular modem speed. I noticed a substantial decrease as time went on and more subscribers were added. My average is about 325 Kbps or about 6 times faster than a dial-up 56K modem. Comcast has stopped using the multiplier of "50 times faster" in their ads.

4. Comcast promises an always-on connection. However, I have experienced frequent interruptions that vary in length from seconds to hours.


I always contact the company first via phone and sometimes email. The amount of time it takes to get a reply and resolution varies greatly, from one day to several months, in the case of constant outages. I've recently gotten bumped off their system in overnight cable modem disconnections. I sent an email to an Internet supervisor, Mr. Ronald Ponsoon on May 27 and just got a reply to my email on June 7. The problem is still outstanding and unresolved.

5. Comcast does not provide adequate information regarding the CHSI limitations such as speed caps, etc. And as a subscriber I am not always clear about what I am getting from Comcast. I have resorted to paying a monitoring service for information about the service I am receiving because I have not been able to rely upon Comcast to be forthcoming with such data. When I ask Comcast about what speed is promised or actually delivered, I am given a vague answer such as "as fast as everyone else in your neighborhood"

6. However, now that I have obtained this information I am not sure what I can do with it because there appear to be no standards regarding how the quality of Internet service that must be provided. And even if there were such standards it is not clear who I could turn to see that the standards are met. There needs to be accountability regarding high speed internet over cable and someone should be able to hold Comcast accountable if it's not the FCC and not the FTC, then why can't it be the County?

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on June 10, 2002, in Rockville, MD



Todd Berman

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Inquiry Concerning High Speed Access to the Internet Over Cable and Other Facilities)	GN Docket No. 00-185
Internet Over Cable Declaratory Ruling)	
Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities)	CS Docket No. 02-52

**DECLARATION OF ROBERT CANTU IN SUPPORT OF
THE COMMENTS OF THE ALLIANCE OF LOCAL ORGANIZATIONS
AGAINST PREEMPTION ("ALOAP")**

I, Robert Cantu, declare as follows:

1. I submit this Declaration in support of the Comments of the Alliance of Local Organizations Against Preemption ("ALOAP") submitted in the above captioned proceeding. I am fully competent to testify to the facts set forth herein, and if called as witness, would testify to them.

2. I am a resident of Germantown, Maryland and a Comcast High Speed Internet access service ("CHSI") subscriber.

3. I have experienced a variety of problems with my CHSI service since the transition from @Home.

4. My problems with CHSI include not receiving email for more than 6 hours after it was sent, sometimes even a day later. Also, my connection would experience numerous disconnection's when Comcast would take over. DNS service would go also be interrupted making it impossible to connect even when the network was up and working. To go along with this, connection speeds not only for me, but for many others that I've spoken to has been less than advertised (sometimes by 50%).

5. Comcast, in their advertising, has stated that they offer Web-based mail service. Comcast touted this as you can receive email anywhere, but you already can receive email anywhere through a regular email client, anywhere. Also, it was touted as a new service when Comcast cut our service levels by over 50%. However, Web-based email service hasn't been working for the past 2 months and I have been informed that Comcast does not plan to have the service back up before July.

6. In addition, I have not received the services that I was led to believe I would receive. For example, when Comcast took over the High Speed Internet Service in late January of this year Comcast notified customers that they were *increasing fees by 20%* but nowhere in the bill, emails, advertisements, etc. did they mention that they were also: reducing email size from 10MB to 5 MB (a 50% cut) and reducing total web space from 77MB to 25MB (a 60+% cut).

7. Neither did Comcast warn customers that we could experience the following problems: constant connectivity problems; extremely long time frames to deliver email to customer accounts; DNS service issues (the 411 service of the internet

that looks up 'www.microsoft.com' and gives you the 'phone number or IP address of 10.3.70.186, thus if you don't have DNS working, you can't really use the internet service). Comcast has now had some 5 months to fix these problems and have yet to get it all working correctly. These issues should not only be relegated to technical incompetence, but also related to customer service issues as well.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on June 13, 2002, in Germantown, MD.



Robert Cantu

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

_____)	
In the Matter of)	
)	
Inquiry Concerning High Speed Access)	GN Docket No. 00-185
to the Internet Over Cable and Other)	
Facilities)	
)	
Internet Over Cable Declaratory Ruling)	
)	
Appropriate Regulatory Treatment for)	CS Docket No. 02-52
Broadband Access to the Internet Over)	
Cable Facilities)	
_____)	

**DECLARATION OF ANDREW ETTER IN SUPPORT OF
THE COMMENTS OF THE ALLIANCE OF LOCAL ORGANIZATIONS
AGAINST PREEMPTION ("ALOAP")**

I, Andrew Etter, declare as follows:

1. I submit this Declaration in support of the Comments of the Alliance of Local Organizations Against Preemption ("ALOAP") submitted in the above captioned proceeding. I am fully competent to testify to the facts set forth herein, and if called as witness.
2. I am a resident of Rockville, Maryland and a Comcast High Speed Internet access service("CHSI") subscriber.
3. I choose not to subscribe to Comcast's TV service since broadcast TV adequately suits my needs.

4. Because I do not subscribe to Comcast television service, Comcast requires me to pay \$15 per month more than a CHSI customer who does subscribe to Comcast cable television service. A Comcast cable television subscriber who also subscribes to CHSI service pays \$45.95 for his CHSI service. However, I pay \$59.95, which is \$15 a month more, for the same service simply because I choose not to purchase cable television service from Comcast.

5. When I contacted Comcast regarding this difference I was informed that the fee was indeed imposed because I did not subscribe to cable television service. In fact, on February 6, 2002, Terrence L. Petty, a Comcast Customer Advocate Liaison, informed me by letter that the **sole** reason I am being charged this additional fee is as an incentive to purchase cable television service from Comcast. A copy of that letter is attached hereto.

6. Since Comcast is the only broadband provider in my area, if I want to have broadband service, I have no choice but to pay this discriminatory \$15 fee. My residential area is not served by DSL.

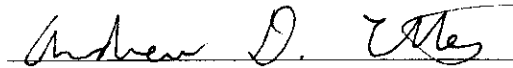
7. The evidence is plentiful that Comcast has a monopoly over broadband Internet in Montgomery County and I believe that this monopoly is what gives Comcast the power to charge this additional \$15 fee. At a minimum I know it is the only reason that Comcast receives this additional fee from me. I believe that we need to stop this monopoly in its tracks.

8. Internet service is a critical communication medium. When there are problems with service, I believe I should be able to count on my provider to fix these problems in a reasonable amount of time. However, I don't believe that the company will do so unless there is someone that can hold them accountable for doing so.

9. Comcast has the lowest standard of service in the nation according to one national survey of broadband consumers. Moreover, as shown in my personal example, Comcast doesn't respect the choices that Montgomery County residents make.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on June 12, 2002, in Rockville, Maryland.



Andrew Etter

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February 6, 2002

Andrew Etter
16609 Bethayres Road
Derwood, MD 20855-2043

Re: Complaint #3750

Dear Mr. Etter,

This letter is in response to the complaint you filed with the Montgomery County Division of Consumer Affairs dated February 5, 2002.

First, let me take this opportunity to apologize for any inconvenience our office may have caused you. In your complaint you stated that you were being billed for the Basic service incorrectly. As confirmed during our conversation on February 5th, you are only being charged for the Cable High Speed Internet Service.

You also asked why customers with cable and Internet service are charged less for the Internet than customers that only have Internet. Please know that the \$5 difference is used as an incentive for our customers who have decided to sign up for cable service along with our High Speed Internet Service.

If you have any questions regarding this information, please feel free to contact me at: (301) 294-7684, and I will be more than happy to assist you.

Sincerely,

A handwritten signature in cursive script that reads 'Terrence L. Petty'.

Terrence L. Petty
Customer Advocate Liaison

cc: Dawn Blydenburgh, Operations Supervisor
Al Lister, Montgomery County Division of Consumer Affairs
Keith Watkins, Montgomery County Division of Consumer Affairs
File